IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 21729 OF 2005

Date: 06.10.2005

BETWEEN:

Amatul Batool a.k.a. Firdose jahan Begum

.... PETITIONER

And

1. A Sattar Bhai C/o. Shop No.20-4-1201 beside Shop No.20-4-1203, Nobel bangle repairing center, Lord Bazaar (Bangle Bazaar), Hyderabad and another.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 21729 OF 2005

ORDER:

The petitioner claims to be the owner of house bearing No.20-4-1218/1 inside the Mecca Masjid compound, Hyderabad. When the first respondent allegedly constructed house in that building in place of old building by raising walls adjoining the petitioner's property, she gave a legal notice to the second respondent alleging that the first respondent blocked the petitioner's windows on the ground floor and first floor. The petitioner also requested for appropriate action. The said legal notice was preceded by a representation, dated 4.3.2005 submitted by the petitioner, and as no action was taken, the petitioner approached this Court for a direction to the second respondent to take action against the first respondent.

Heard learned counsel for the petitioner and learned Standing Counsel for Municipal Corporation of Hyderabad. After perusing the representation dated 4.3.2005 and legal notice

dated 28.4.2005 issued on behalf of the petitioner, it becomes clear that the petitioner is aggrieved by the construction made by the first respondent blocking the petitioners windows on the ground floor and first floor. This is a common law right of a person to have right to privacy and also sufficient light to his/her property. The Municipal Corporation can neither declare such right nor enforce such right. Petitioner's grievance can only be redressed in a properly constituted suit in a Civil Court. If so advised, the petitioner may approach the Civil Court.

The Writ Petition, with the above observations, is accordingly dismissed at the admission stage.

_____

(**V.V.S. RAO, J.)**

6th October, 2005

Js